

REMARKS/ARGUMENTS

Claims 34 and 37-38 are currently pending.

§ 103(a) Rejection

Claims 34, 37 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,993,508 to Major et al. (hereinafter "Major") in view of U.S. Patent No. 6, 702383 to Wason et al (hereinafter "Wason"). The Applicant respectfully disagrees.

In regards to **Claim 34**, the Office asserts in the Office Action Dated February 9, 2006 that "Major teaches receiving selections from an OEM GUI software to determine the configuration and appearance of a displayed list (taught as the use of a web browser for displaying information to a user, at col. 6, lines 30-34)". *See Office Action Dated February 9, 2006, Page 2.* The asserted portion of Major is excerpted as follows for the sake of convenience:

FIG. 2 is a functional block diagram illustrating processes 200 associated with various components of the IBO system. A web browser 220 is the central user interface (U/I) of the viewing system 120, thereby significantly reducing any U/I specific issues related to a platform. The browser interacts with Movie Studio web site processes 210 over the Internet to find and select content, such as movies and trailers, for viewing. *See Major, Col. 6, Lines 30-37.*

Thus, as shown in the above excerpted portion, Major merely describes the existence of a browser and the Office goes on to list a few examples of browsers in the Office Action. The Office then asserts that it "is inherent that each of these

browsers include OEM GUI for displaying data to a user in the distinct style of the browser". See *Office Action Dated February 9, 2006, Pages 2-3*. The Applicant respectfully disagrees.

Contrary to the Examiner's assertion, traditional browsers displayed data in the style specified by the data itself, and not in a style of the browser. For instance, the traditional browser may obtain and display a web page as specified by the web page itself. Therefore, like the computing environment described in the background of the present Application, the sensory experience of the list was specified as a part of the data. Thus, the data was not generic but specified how the data was to be displayed and therefore the browser displayed the data accordingly. Accordingly, the browser of Major does not teach or suggest "receiving the selections from the OEM GUI software to determine the configuration and the appearance of the displayed list" as recited in Claim 34.

The Examiner also asserts "accessing a generic data source that contains one or more or [sic] the items (taught as the use of a Download Manager and Play List Manager, which may be either a plug-in or JavaScript program and therefore capable of being added to the OEM software, to request web pages detailing available download, at col. 6, lines 42-46". See *Office Action Dated February 9, 2006, Page 3*. The asserted portion of Major is excerpted as follows:

The browser further interacts with the Download Manager 222 and a Play List Manager 224 (via a plug-in or JavaScript program) to request a web page detailing the states of the movie downloads or movie/trailers that are available to be played. See *Major, Col. 6, Lines 40-46*.

1 As shown in the above excerpted portion, however, Major describes reception of a
2 web page which details the states. Therefore, the system of Major would display
3 these states using the web browser according to information specified by the web
4 page itself as was typical through the use of hypertext markup language (HTML).
5 Accordingly, Major is silent as to “a configuration and an appearance of the
6 displayed list being determined by selections from an original equipment
7 manufacturer (OEM) graphical user interface (GUI) software” as recited in Claim
8 1.

9 Wason does not correct the above defects of Major and is asserted as
10 teaching “instructions being executable on different computing platforms and in
11 different application to provide the displayed list”. *See Office Action Dated*
12 *February 9, 2006, Page 3*. However, while an extension module is described,
13 there is no motivation for the asserted combination with Major. For example, the
14 motivation to “include the platform independent plug-capabilities of Wason”
15 asserted by the Examiner does not explain why those capabilities would be
16 desirable in Major absent the present Application.

17 **Claims 37 and 38** are allowable based on similar reasoning and therefore
18 the Applicant will not further burden the record.

19 Accordingly, it is respectfully submitted that a *prima facie* case of
20 obviousness has not been established and withdrawal of the rejection is
21 respectfully requested.
22

Conclusion

Should any matter in this case remain unresolved, the undersigned attorney respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

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